

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

RICHARD MARSDEN

Petitioner,

v.

**JAMES MCGRADY, THE DISTRICT
ATTORNEY OF THE COUNTY OF
BUCKS, and THE ATTORNEY GENERAL
OF THE STATE OF PENNSYLVANIA,**

Respondents.

CIVIL ACTION

NO. 08-5580

ORDER

AND NOW, this 17th day of April, 2009, upon consideration of the Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2254 filed by petitioner, Richard Marsden (Document No. 1, filed November 28, 2008), the Report and Recommendation of United States Magistrate Judge L. Felipe Restrepo dated March 31, 2009, petitioner's Objections to Report and Recommendation Filed on March 31, 2009 (Document No. 4, filed April 16, 2009), and the record in this case,

IT IS ORDERED as follows:

1. The Report and Recommendation of United States Magistrate Judge L. Felipe Restrepo dated March 31, 2009 is **APPROVED** and **ADOPTED**;
2. Petitioner's Objections to Report and Recommendation Filed on March 31, 2009, are **OVERRULED** for the reasons set forth in the Report and Recommendation;
3. The Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2254 filed by petitioner, Richard Marsden, is **DISMISSED** as untimely; and,
4. A certificate of appealability **WILL NOT ISSUE** because reasonable jurists

would not debate this Court's rulings. See 28 U.S.C. § 2253(c)(2); Slack v. McDaniel, 529 U.S. 473, 484 (2000).

BY THE COURT:

/s/ Jan E. DuBois, J.

JAN E. DUBOIS, J.